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Attention: PCT Legal Administrator

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Total Pages: 2


Jodi A. Calderon

Date: October 4, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/937,331

Examiner: (not yet assigned)

Filing Date: September 21, 2001

Group Art Unit: 1723

Inventor: Kunze

Attorney Docket No. 72.053

Assignee: Wacker Construction Equipment AG

Invention: *Internal Vibrator with a Measuring System*

REQUEST FOR CORRECTION/REFUND OF
ERRONEOUSLY DEDUCTED FUNDS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

- 5 OCT 2004

Attention: PCT Legal Administrator

**Legal Staff
International Division**

Sir:

Applicant has received the Decision on Petition Under 37 CFR 1.137(b), mailed September 16, 2004. While applicant notes with appreciation that the Decision grants the petition, the decision contains omissions and errors requiring correction and, ultimately, a partial refund of funds deducted from applicant's Deposit Account. Specifically:

- The Decision indicates the current petition was filed on 4 February 2004 when, in fact, it was filed on 4 February 2002, two years before the date indicated in the Decision.

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- The Decision indicates that "in order to pay the fees for Application No. 09/937,331, applicant's Deposit Account was charged \$2,340 (\$1,280 for the Petition to Revive, \$890 for the basic national fee, \$130 for filing a declaration after 30-months from the earliest priority date, and \$40 for recording of the Assignment). However, the Decision also properly notes that all of those fees were paid by a check accompanying the transmittal letter submitting the 4 February 2002 petition. Hence, applicant's Deposit Account should be reimbursed by \$1,020 (\$2,340 - 1,320).

Prompt acknowledgement of the receipt of this document and performance of the requested actions are believed to be in order and are respectfully requested. The Commissioner is requested to contact the undersigned at the telephone number appearing below if it would help expedite matters.

Respectfully submitted,



Timothy E. Newholm
Registration No. 34,400

Dated: October 4, 2004

Customer Account No. 23598

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